



Questions & Answers

Trendwest/MountainStar Resort

Water Rights Transfer Proposal

Trendwest Resorts, Inc. (Trendwest) proposes to develop the MountainStar Master Planned Resort (MPR) on property near Cle Elum and Roslyn, Washington, and to develop additional Trendwest property in the city of Cle Elum's recently expanded Urban Growth Area.

Kittitas County prepared an environmental impact statement (EIS) for the MountainStar MPR proposal under the State Environmental Policy Act (SEPA) and the Kittitas County SEPA ordinance.

The proposal involves developing a year-round destination resort not to exceed 4,650 accommodation units, including individually owned condominiums, clustered chalet homes and larger single-family vacation homes. The MPR includes hotel lodging, commercial facilities, two golf courses and equestrian and other recreation facilities.

The Urban Growth Area proposal involves the development of a master planned community with a variety of single-family and multi-family residential units, a business campus, Washington State Horse Park, commercial, community and recreation facilities.

Q. How much water does Trendwest need for the MountainStar Resort?

A. According to a water supply analysis technical report prepared for the EIS, the resort and Cle Elum urban growth area will require 3,949 acre-feet of water per year or a maximum diversion rate of 17.3 cubic feet per second (cfs) instantaneous demand to meet year-round water needs. The MountainStar master planned resort by itself will require 2,896 acre-feet per year with an instantaneous demand of 12.3 cfs.

Currently, the 6,200-acre site of the resort is comprised of timberland that does not have a water right for seasonal or domestic use.

Trendwest has developed a water supply strategy for each project that relies on reallocating water from other current uses within the upper Yakima Basin.

Q. Where does Trendwest propose to get water for the resort?

A. Trendwest has applied for 14 water right transfers with the Washington State Department of Ecology (Ecology) at the Central Regional Office in Yakima. Water rights acquired by Trendwest and proposed for change are currently along the Yakima River mainstem and the tributaries Big Creek, the Teanaway River, Swauk Creek, and First Creek. The applications seek to transfer roughly two-thirds of each of the mainstem Yakima River water rights from the current place of use near Ellensburg to the MountainStar MPR property.

These applications also seek to change the purpose of use from seasonal irrigation to year-round domestic, municipal and irrigation supply. Eleven of the applications seek to transfer roughly two-thirds of the tributary water rights (from Big Creek, Swauk Creek, First Creek and Teanaway River) to Ecology, to be managed under RCW 90.38, the Yakima Basin Trust water program. Trendwest is reserving approximately one-third of each water right for later application for use in connection with development in the Cle Elum expanded Urban Growth Area.

The water rights Trendwest has acquired are based upon claims now before Yakima County Superior Court in the general adjudication of water rights. Many of the subbasin adjudications are in different phases of the process and, consequently, each claim may not have the same certainty with respect to the Court's final decision.

Trendwest's claim to divert water from Big Creek has been recommended by the Referee for confirmation of a right and all exceptions to the claims within Subbasin No.2 have been heard and decided. Judge Stauffacher has issued a Conditional Final Order for Subbasin No.2. The remaining claims to use waters of the Teanaway River (Subbasin No. 3), Swauk Creek and First Creek (Subbasin No. 4), and the Yakima River and Reecer Creek near Ellensburg (Subbasin No.7) have all been considered by the Referee and been recommended for confirmation. However, all exceptions to the supplemental Reports of Referee have not been resolved. Therefore, there is no Conditional Final Order affirming these claims.

Q. What water right transfer requests does the company have before Ecology?

A. Following is a summary of the water right transfer requests from the Yakima River mainstem for use at the MountainStar Resort.

Pautzke Bait Company Water Rights Transfer request

Priority dates: from 1884 to 1890

Total annual quantities: 2,942.66 acre-feet

Instantaneous quantity: 15.78 cfs

The former Pautzke Bait Company water rights entitle Trendwest to divert up to about 28 cfs, not to exceed about 6,060 acre-feet of water each year under provisions of four water rights the company has acquired. Trendwest is requesting to move the point of diversion for two-thirds of that right from the Yakima River at Ellensburg to the City of Cle Elum, some 20 miles upstream. The company is also requesting to change the period of use from seasonal irrigation and continuous stock water to year-round municipal, domestic and irrigation use. One-third will be reserved for future use in connection with the Urban Growth Area.

Following is a summary of tributary water right transfer requests made by Trendwest to be managed under RCW 90.38, the Yakima Basin Trust water program.

Big Creek Water Rights Transfer Request

Priority date: 1887

Total annual quantity: 262 acre-feet

Instantaneous quantity: 1.09 cfs

Trendwest's Big Creek water rights entitle Trendwest to divert approximately 1.5 cfs, not to exceed 390.1 acre-feet of water each year. The Big Creek water rights were used for irrigation and stock watering. Trendwest proposes to transfer two-thirds of the Big Creek water rights (262 acre-feet) to the State Trust Water Program to be dedicated to maintaining instream flows in Big Creek for the benefit of fish and other aquatic resources.

Teanaway River Water Rights Transfer Request

Priority dates: 1883 to 1898

Total annual quantity: 677.42 acre-feet

Instantaneous quantity: 2.52 cfs

Trendwest's Teanaway River water rights entitle Trendwest to divert approximately 3.76 cfs not to exceed 1,016 acre-feet each year. The Teanaway River water rights formerly were used for irrigation and stock watering purposes. Trendwest proposes to transfer two-thirds of the Teanaway River water rights (677.42 acre-feet) to the State Trust Water Program to be dedicated to maintaining instream flows in the Teanaway River for the benefit of fish and other aquatic resources.

First Creek (Swauk Creek) Water Rights Transfer Request

Priority dates: 1877 to 1881

Total annual quantity: 782.14 acre-feet

Instantaneous quantity: 5.20 cfs

Trendwest owns water rights to divert approximately 7.78 cfs not to exceed 1,165-acre feet each year from First Creek for irrigation and stock water under two water rights the company has obtained. Trendwest proposes to transfer two-thirds of this water right (782.14 acre-feet) to the state's trust water program to help maintain instream flows in Swauk Creek for the benefit of fish and other aquatic resources.

Swauk Creek Water Right Transfer Request

Priority dates: 1878 to 1889

Total annual quantity: 374.78 acre-feet

Instantaneous quantity: 2.23 cfs

Trendwest has contracted to purchase water rights on Swauk Creek that will entitle the company to divert approximately 3.34 cfs not to exceed 562.5 acre-feet each year for irrigation. The company proposes to transfer two-thirds of the Swauk Creek water right (374.78 acre-feet) to the state trust water program to be dedicated to maintain Swauk Creek instream flows.

Q. How can Ecology work on the Trendwest water right transfer applications when there are hundreds of requests waiting in line?

A. An application for change or transfer to an existing water right may be processed prior to competing applications provided one or more of the following criteria are satisfied:

- The change or transfer, if approved, would substantially enhance the quality of the natural environment.
- The change or transfer, if approved, would result in providing public water supplies to meet general needs of the public for regional areas.
- The change or transfer was filed by water right holders participating in an adjudication, and a decision is needed expeditiously to ensure that orders or decrees of the superior court will be representative of the current water use situation.

Among applications considered for prioritizing, the following priority order applies:

- Public health and safety emergencies.
- Preservation of other public health and safety concerns.
- Transfers of changes to enhance environmental quality.
- Transfers or changes for public water supplies to meet general needs
- Transfers or changes required by orders or decrees of courts.
- Non-consumptive uses that, if approved, would substantially enhance or protect the quality of the natural environment.

Trendwest hopes to show that its water right transfers will “substantially enhance the quality of the natural environment” by improving stream flows in Big Creek, First Creek, Swauk Creek and the Teanaway River.

Q. What happens next?

A. The Department of Ecology will analyze the merits of Trendwest’s requests and make a determination based on the information presented by the company, historical water use, substantial environmental benefit, and other requirements within state water law. As part of the decision-making process, the agency will consider evidence and comments provided by the public.

To submit comments

Persons with protests or objections to these applications are invited to provide comment. Protests must include a detailed statement of the basis for the objections and must be accompanied by a two dollar (\$2.00) recording fee. Protests must be filed with the Department of Ecology, 15 W. Yakima Ave., Suite 200, Yakima, Washington, 98902, within thirty (30) days from **Sept. 14, 2000**.

For more information

People may review Trendwest’s transfer requests at the Department of Ecology, Central Regional Office, 15 West Yakima Ave., Suite 200 in Yakima. For more information, please contact Randall Doneen at (509) 457-7125. More information, and this and other publications, on water resources issues may be found on Ecology’s website at [www.ecy.wa.gov].

If you have special accomodation needs or require this document in an alternative format, please contact Christine Corrigan at (360) 407-6607 (voice) or (360) 407-6006 (TDD).